

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW STEIN and JEROME LHOTE,

Plaintiffs/Counterclaim Defendants,

v.

SKATTEFORVALTNINGEN,

Defendant/Counterclaim Plaintiff,

v.

LUKE MCGEE

Counterclaim Defendant.

No. 23 Civ. 2508 (NRB)

STIPULATION AND [PROPOSED] ORDER

Plaintiffs-Counterclaim Defendants Matthew Stein (“Stein”) and Jerome Lhote (“Lhote”), Defendant-Counterclaim Plaintiff Skatteforvaltningen (“SKAT”), and Counterclaim Defendant Luke McGee (“McGee”), by and through their undersigned attorneys, hereby stipulate and agree as follows:

WHEREAS, on May 28, 2019, SKAT entered into a settlement agreement (the “Settlement Agreement”) and a related letter agreement (the “Letter Agreement”) with Stein, Lhote, and McGee, among others;

WHEREAS, on August 8, 2019, and pursuant to section 4(c) of the Settlement Agreement, Stein, Lhote, and McGee provided SKAT with an affidavit of confession of judgment;

WHEREAS, pursuant to section 4(c) of the Settlement Agreement, Stein, Lhote and McGee provided SKAT with a further affidavit of confession of judgment (the “2021 Affidavit

of Confession of Judgment”) that was executed by Lhote on June 9, 2021, and by Stein and McGee on June 10, 2021;

WHEREAS, New York Civil Practice Law and Rules (“CPLR”) 3218(b) provides, among other things, that “[a]t any time within three years after [an] affidavit [of confession of judgment] is executed, it may be filed, but only with the clerk of the county where the defendant’s affidavit stated that the defendant resided when it was executed or where the defendant resided at the time of filing” and “[t]he clerk shall then enter a judgment in the supreme court for the sum confessed”;

WHEREAS, on March 24, 2023, plaintiffs Stein and Lhote filed their Complaint [ECF No. 11] in this action seeking, among other things, a declaratory judgment that the 2021 Affidavit of Confession of Judgment is unenforceable and should be declared invalid, null, and void, and on June 15, 2023, defendant SKAT filed its First Amended Answer, Affirmative Defenses and Counterclaims [ECF No. 48], in which it asserted counterclaims against Stein, Lhote, and McGee seeking, among other things, entry of the 2021 Affidavit of Confession of Judgment; and

WHEREAS, the parties’ various disputes regarding the 2021 Affidavit of Confession of Judgment are presently pending before the Court,

NOW, THEREFORE, the parties hereby stipulate and agree as follows:

1. Pursuant to Federal Rule of Civil Procedure 6(b) and CPLR 2004, the time fixed by CPLR 3218(b) for SKAT to file the 2021 Affidavit of Confession of Judgment is hereby extended until, and including, December 10, 2024.

2. Stein, Lhote, and McGee shall not argue before this Court, or any other court, that the 2021 Affidavit of Confession of Judgment cannot be filed or that judgment cannot be entered

based upon it because SKAT filed it after the three-year period set forth in CPLR 3218(b), so long as SKAT files it, including by moving the Court for entry of judgment based upon it, on or before December 10, 2024.

3. Nothing herein shall affect any claim or defense of plaintiffs Stein and Lhote or counterclaim defendant McGee, whether alleged as of the date hereof or hereafter, related to or arising from the 2021 Affidavit of Confession of Judgment, the Settlement Agreement, or the Letter Agreement, including that the 2021 Affidavit of Confession of Judgment is otherwise unenforceable, invalid, null, or void, or that it should be vacated or set aside.

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/s/
By: _____
Marc A. Weinstein
HUGHES HUBBARD & REED LLP
One Battery Park Plaza
New York, New York 10004-1482
Telephone: (212) 837-6000
marc.weinstein@hugheshubbard.com

*Counsel for Defendant/Counterclaim
Plaintiff Skatteforvaltningen*

/s/
By: _____
Daniel W. Levy
MCKOOL SMITH P.C.
One Manhattan West
395 Ninth Avenue, 50th Floor
New York, New York 10001-8603
Telephone: (212) 402-9400
dlevy@mckoolsmith.com

*Counsel for Plaintiffs/Counterclaim
Defendants Matthew Stein and Jerome
Lhote*

/s/
By: _____
Daniel S. Newman
Justin Kaplan
NELSON MULLINS RILEY &
SCARBOROUGH
One Biscayne Tower, 21st Floor
2 South Biscayne Boulevard
Miami, Florida 33131
Telephone: (305) 373-9400

/s/
By: _____
Robert H. Pees
Ilana Roberts
AKIN GUMP STRAUSS HAUER & FELD
LLP
One Bryant Park
New York, New York 10036
Telephone: (212) 872-1000
rpees@akingump.com
iroberts@akingump.com

*Counsel for Counterclaim Defendant Luke
McGee*

SO ORDERED:

Naomi Reice Buchwald
United States District Judge

December ____, 2023